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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/398,987 09/17/99 MAMMEL

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EXAMINER

JAMES L BAUDINO ESQ
BAKER & BOTTS LLP
2001 ROSS AVENUE
DALLAS TX 75201-2980

ROWAN, K

ART UNIT

PAPER NUMBER

3643

DATE MAILED:

08/28/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/398,987

Applicant(s)
MAMMEL

Examiner
KURT ROWAN

Art Unit
3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 5, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22, 40, and 41 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-22, 40, and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 5, 2001 has been entered.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by The Uni-Knot.

The Uni-Knot shows a fishing line having a first end and a sliding loop formed on the first end of the line for engaging the line with a fishing device. The diameter of the Uni-Knot can be increased and decreased multiple times for engaging and disengaging the fishing line from the fishing device.

5. Claims 17-18, 22, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Flye, Sr.

The patent to Flye shows a fishing line 10 with a knot as shown in Fig. 6 having a first end 21 with first loop 20 and a second loop 28 formed from a first end of the fishing line. Flye wraps the first end of the fishing line through the first and second loops and around a central portion of the fishing line and then drawing the first end of the line away from the first and second loops to form a sliding loop which may be releasably engaged from first fishing device such a hook or a sinker 17.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Uni-Knot.

The Uni-Knot has been discussed above and is shown with a fishing line. However, it would have been obvious to tie the knot with a leader or tippet since the function is the same. The examiner takes Official Notice that leaders and tippets are old and well known in the art and that knotting both is also well known to attach them the fishing line. In reference to claim 17, the Uni-Knot does not disclose disengaging the fishing line and the fishing device without untying the sliding loop. However, since the Uni-Knot is a sliding knot, it would have been obvious to employ the Uni-Knot to disengage the fishing line from a fishing device without untying the sliding loop for the purpose of attaching another hook and/or lure to the line using the loop.

8. Claims 13, 16, 19, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Uni-Knot as applied to claims 10, 17, above, and further in view of Smith.

The patent to Smith shows a fishing lure 20-21 attached to a body 10 by a leader 18 having fixed loops 17, 19. The body 10 is connected to another leader 28 by a fixed loop 27 and the opposite end of the leader has another fixed loop 29. The Uni-Knot has been discussed above. In reference to claims 13, 19, the Uni-Knot does not show a second end of the fishing line having a fixed loop. However, it would have been obvious to provide the Uni-Knot with a fixed loop as shown by Smith to attach other fishing tackle such as a casting weight. In reference to claims

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16, 21, Smith shows fixed loops on the second end of the first section and the first end of the second section.

9. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Uni-Knot as applied to claim 10 above, and further in view of Martuch.

The Uni-Knot has been discussed above. The patent to Martuch shows a fly line connected to a leader 1 which is connected to a tippet 3 by knots 2, 5. In reference to claim 15, it would have been obvious to employ the Uni-Knot with a tippet and leader connected to a fly line as shown by Martuch for the purpose of connecting another fishing rig to the line. The combination contemplates employing the Uni-Knot in place of knot 4 of Martuch.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Flye, Jr. as applied to claim 11 above, and further in view of "Uni-Knot".

The patent to Flye shows a fishing line having a first section 14 and a second section 10, each having first and second ends. Flye shows a fixed loop 12 at a first end of the second section and a fixed loop 13 at the second end of the first section. Flye shows a knot at the second end of the first section to hold the hook. It is not clear if the knot slides or not. At any rate it would have been obvious to provide Flye with the sliding "Uni-Knot" for the purpose of changing the hook without untying the knot.

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Response to Amendment

The declaration filed on January 26, 2001 under 37 CFR 1.131 is sufficient to overcome the Harvey reference.

11. The declaration under 37 CFR 1.132 filed June 4, 2001 is insufficient to overcome the rejection of claims 10-22, 40-41 based upon "The Uni-Knot", US 2,672,704, and US 4,336,087 as set forth in the last Office action because: the showing is not commensurate in scope with the claims.

12. It refer(s) only to the system described in the above referenced application and not to the individual claims of the application. Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716.

13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink that reads "Kurt Rowan". The signature is written in a cursive style with a large, stylized "K" and a long, sweeping underline.

KURT ROWAN

PRIMARY EXAMINER

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August 27, 2001